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REMARKS/ARGUMENTS

Claims 1-19 remain in this application. Claims 1, 18-20 have been amended: Claims 18-20 have been amended to reflect the Examiner's renumbering to 17-19. Claim 1 has been amended to make clear that the plurality of openings, and the adhesive, are disposed in and on, respectively, the flexible sheet. Claim 1 has also been amended to indicate that the cable keeper is comprised of a single sheet. The amendment is clearly supported by the drawings (e.g. FIGS. 3, 6-8), which indicate only a single sheet for the cable keeper.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,579,310 to Wells in view of U.S. Patent 4,025,015 to Kolie.

The Examiner asserts that Wells discloses all of the limitations of Applicant's invention with the exception that Wells does not disclose the limitation of an adhesive disposed on the sheet for attaching the cable keeper to an object and wherein the adhesive is an adhesive tape.

Applicant respectfully disagrees and traverses the rejection. The Examiner contends that Wells discloses, inter alia, a cable keeper comprising a sheet of flexible material. Applicant submits that it is clear from Figures 1-5 of Wells that the cable organizing device of Wells is not comprised of a sheet of flexible material. For example, Figure 3 shows that the tabs (12) have a significant vertical dimension (thickness) in addition to their length and width extending from the backplane (what Wells refers to as the "strip"). Figure 4 also illustrates the tab thickness and further shows a backplane, or strip, having considerable thickness, relative to its other dimensions, enough so that an opening (34) may be formed in the strip and which opening extends only partially through the thickness of the strip. See column 3, lines 30-33, wherein Wells refers to a cavity (50) formed on an "opposite side" of the strip for receiving an anchor base.

Webster's Ninth New Collegiate Dictionary (copyright 1986 by Merriam-Websters, Inc.) defines "sheet" as "...a portion of something that is thin in comparison with its length and breadth". It is clear from the common meaning of the word "sheet",

and the use thereof by Applicant (see, for example, FIG. 4 of Applicant's disclosure showing the sheet from an edge view), that Wells does not disclose or fairly suggest a cable keeper (organizer) comprising a sheet of flexible material, the sheet of material having openings adjacent an edge of the material, nor would one of ordinary skill in the art draw such a conclusion, either by referencing the drawings or the text of Wells.

In addition, Wells attributes flexibility only to tabs (12), hook (30), and barbs (46,48). FIGS. 1, 4 and 5 show that tabs (12), hooks (30) and barbs (46, 48), although described as flexible, are also not sheets. Applicant therefore asserts that the Examiner has failed to make a prima facie case of obviousness.

Claims 1 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,375,017 to Schattner in view of U.S. Patent 4,025,015 to Kolie.

The Examiner argues that Schattner discloses a cable keeper having all of the limitations of Applicant's invention with the exception of an adhesive disposed on at least one of the sheets for permanently attaching the cable keeper to an object.

Applicant respectfully disagrees. Applicant first contends that Schattner represents non-analogous art in that one of ordinary skill in the art would not be motivated to search the art of tubing organizers for organizing pliable tubing (e.g. IV tubes) in the medical field to solve the problem of organizing wires/cables in a computer environment.

Second, there is no suggestion or motivation to combine Kolie with Schattner in order to arrive at placing an adhesive on the organizer of Schattner for permanently affixing the organizer to an object. Indeed, in all embodiments but two disclosed by Schattner, the tubing organizer is described – and shown – as being rotatably mounted. The organizer disclosed by Schattner in Figure 17 is described in column 7, lines 20-50. The organizer of Figure 17 rather than being rotatably mounted to the support structure of the other embodiments, is said to be “particularly suitable for resting on a horizontal surface without the need for a support structure” (see also column 5, lines 7-9). Thus, Wells never intended for the tubing organizer to be permanently affixed, which would inherently defeat the movable nature of the organizer. This is particularly evident by

referring directly to Figure 17 indicating the organizer resting on a surface along an edge of the organizer. Indeed, the organizer of FIG. 17 would require being movable in order to utilize the opening resting against the table. The description of the embodiment depicted by Figure 18, found in column 7, lines 51-67 and column 8, lines 1-10, makes no mention of mounting the organizer. Moreover, the organizer is shown with a hole at central axis "c", identical to hole 46 shown in other embodiments, wherein hole 46 is for the purpose of rotatably mounting the organizer. It is suggested by Schattner that the embodiment depicted in FIG. 12-16, showing a straight mounting element, may be positioned between mattresses, also not a permanent mounting method. Clearly, one of ordinary skill in the art would conclude that the organizer of Wells, when considered as a whole, is not intended for permanent mounting. To otherwise reach the conclusion that Schattner could be modified for permanent attachment would require impermissible hindsight knowledge of Applicant's invention (notwithstanding the fact that merely because references "can" be combined is not sufficient to establish prima facie obviousness).

Even assuming that the mounting portion (16, 216, 316) of Schattner's organizer represents a sheet which "can" be affixed to an object with an adhesive, this sheet does not also comprise openings as described in Applicant's claim 1. Applicant therefore argues that the Examiner has failed to make a prima facie case of obviousness.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wells combined with Kolie and in further view of U.S. Patent 4,693,935 to Mazurek.

The Examiner contends that the combination of Wells and Kolie disclose all of the limitations of Applicant's invention with the exception of the adhesive strength of the adhesive. Applicant respectfully disagrees and traverses the rejection. Applicant submits that for at least the reasons given above with respect to Wells and Kolie, the Examiner has failed to make a prima facie case of obviousness. Mazurek does not cure the deficiencies of Wells and Kolie.

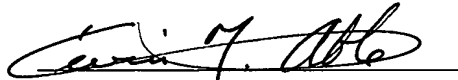
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Reply to Office Action of: 04/12/2004

Based upon the above amendments, remarks, and papers of records, Applicant believes the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicant respectfully requests that the amendments be entered and a timely Notice of Allowance be issued in this case.

Applicant believes that no extension of time is necessary to make this Reply timely. Should Applicant be in error, Applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the credit card number as indicated on the accompanying form PTO-2038.

Please direct any questions or comments to Kevin M. Able at 607-974-2637.

Respectfully submitted,



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